

Appl. No. 09/481,640
Amdt. dated 3/8/06
Reply to Office action of December 14, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3, 5 and 7-11 remain in the application. Claims 1-3, 5 and 9-11 are subject to examination and claims 7 and 8 have been withdrawn from examination. No claims have been amended, added or canceled.

In "Claim Rejections - 35 USC § 103", item 3 on pages 2-3 of the above-identified Office Action, claims 1, 5 and 9 have been rejected as being obvious over U.S. Patent No. 1,499,106 to Halliwell in view of Japanese Publication 57-131670 (hereinafter JP '670) under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103", item 4 on pages 3-4 of the Office Action, claim 11 has been rejected as being obvious over U.S. Patent No. 3,477,709 to Neal et al. (hereinafter Neal) in view of JP '670 under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their previous form and, therefore, the claims have not been amended to overcome the references.

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Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a variable length cutting device, comprising:

a rotary cutter;

a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis, a circumferential region, a gripper and a tucking blade disposed in said circumferential region at a fixed distance from said central cylinder axis, and an adjustable diameter portion disposed between said gripper and said tucking blade in said circumferential region of said transfer cylinder, said adjustable diameter portion being movable in a direction toward and away from said central cylinder axis for adjusting the desired cutoff length of the signatures; and

a dancer roller for compensating for variations in length of the ribbon.

Claim 9 calls for, *inter alia*, a variable length cutting device, comprising:

a rotary cutter;

a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis, a circumferential region carrying the ribbon during a cutting operation, a gripper and a tucking blade disposed in said circumferential region at a fixed distance from said central cylinder axis, and an adjustable diameter portion disposed between said gripper and said tucking blade in said circumferential region of said transfer cylinder, said adjustable diameter portion being movable in a direction toward and away from said central cylinder axis for adjusting the desired cutoff length of the signatures by selectively shortening and lengthening the circumferential region carrying the ribbon; and

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a dancer roller for compensating for variations in length of the ribbon.

Claim 11 calls for, *inter alia*, a variable length cutting device, comprising:

a rotary cutter;

a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis, a circumferential region, one of a linear jack and an eccentric jack, and an adjustable diameter portion disposed in said circumferential region of said transfer cylinder, said one of said linear jack and said eccentric jack being connected to said adjustable diameter portion, to move said adjustable diameter portion in a direction toward and away from said central cylinder axis for adjusting the desired cutoff length of the signatures; and

a dancer roller for compensating for variations in length of the ribbon.

The Examiner has stated in item 3 of the Office action that Halliwell discloses all of the features of claims 1 and 9 except for the dancer roller which is shown in JP '670.

Similarly, the Examiner has stated in item 4 of the Office action that Neal discloses all of the features of claim 11 except for the dancer roller which is shown in JP '670.

Applicants respectfully disagree with the Examiner's interpretation of the references and the rejection of the claims, as will be explained below.

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I. JP '670 does not teach or suggest a transfer cylinder
cooperating with a rotary cutter

Fig. 4 of JP '670 does show a dancer roller 34 which is biased by a spring 37 and which is activated by a cam 36 and a cam follower 35 in order to separate the dancer roller 34 from the web 25, so that the web 25 is slackened to compensate for the deficiency in paper length due to the gripping margin, when gripping the web by the gripping plate 30 and the gripping base 31.

In order to do so, the web 25 is pulled downward by the nipping rollers 24 and is then wound around the combined cutting and folding cutter cylinder 22, as is explicitly described in the "constitution" portion of the abstract of JP '670.

However, contrary to the teaching of JP '670, claims 1, 9 and 11 of the instant application each call for "a transfer cylinder cooperating with said rotary cutter." Since the transfer cylinder and the rotary cutter cooperate with each other, the ribbon is not wound around the transfer cylinder but is passed through in between the rotary cutter and the transfer cylinder. Thus, a person skilled in the art would

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not know how to combine JP '670 with Neal or Halliwell, in order to improve the folders of Halliwell and Neal.

II. The dancer roller of JP '670 does not compensate for variations in length of a ribbon

Claims 1, 9 and 11 each call for "a dancer roller for compensating for variations in length of the ribbon." According to the third paragraph on page 11 of the Specification of the instant application, the dancer roller compensates for variations in the length of the ribbon, such as those caused by adjusting the effective diameter of the transfer cylinder 4.

However, the dancer roller 34 of JP '670 does not compensate for variations in the length of the ribbon, because there is no teaching in JP '670 that a length of signatures can be adjusted in the folder of Fig. 4 of JP '670 at all.

III. Neither Neal nor Halliwell adjust a diameter portion in a circumferential region of a transfer cylinder for adjusting a desired cutoff length of signatures

There is no teaching in Neal of adjusting a circumference of a transfer cylinder in order to obtain a different cut-off

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length of signatures. Page 1, lines 26-29 of Neal solely teach that the effective diameter of the cylinder may be changed in order to accommodate sections having a varying number of pages, and therefore a different thickness of the newspaper sections to be folded.

The same applies to Halliwell, which on page 1, lines 49-53 teaches "the construction being such that the holding means will automatically adjust themselves to different thicknesses of products passing there between."

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 9 and 11. Claims 1, 9 and 11 are, therefore, believed to be patentable over the art. Dependent claim 5 is believed to be patentable as well because it is dependent on claim 1.

Finally, Applicants appreciatively acknowledge the Examiner's statement in item 5 on page 4 of the Office Action that claims 2, 3 and 10 are allowable.

In view of the foregoing, reconsideration and allowance of claims 1, 5, 9 and 11 and the issuance of a Notice of Allowance for claims 1-3, 5 and 9-11 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg, Sterner LLP, No. 12-1099. Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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LAG/am

March 8, 2006

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